

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/S Shawan Road, 2400' E of *
Beaver Dam Road * ZONING COMMISSIONER
(909 Shawan Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 95-354-X
St. Mary's Greek Orthodox Church *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 909 Shawan Road, located in the vicinity of Cockeysville in Hunt Valley. The Petition was filed by the owner of the property, St. Mary's Eastern Orthodox Church, by Jerry Sackleh, Chairman, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3. B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerry Sackleh, Chairman, Father George Romley, the priest who presides over the subject Church, and numerous members of the congregation. Also present on behalf of the Petition were several expert witnesses, including David L. Martin and James Kline with George W. Stephens, Jr. and Associates, Inc., the engineering and architectural firm that prepared the plat which accompanied the Petition for Special Exception, and John B. Gontrum, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Jeffrey Foreman, a nearby resident of the Greencroft community, Dennis Sutton, an immediate neighbor to the site, and A. Douglas McComas, who

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appeared on behalf of the Falls Road Community Association. Kristen Forsyth appeared on behalf of the Valleys Planning Council as an interested party.

The property is improved with a one-story assembly hall, which includes an accessory kitchen and utilities wing, a Pastor's Office, and restroom facilities, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. It should also be noted that the engineering firm of George W. Stephens, Jr. and Associates, Inc. also prepared similar other plans for this case, including a plan showing the area of impervious surface (Petitioner's Exhibit 2), and a proposed landscape plan (Petitioner's Exhibit 4).

This matter comes before me for consideration a second time. In fact, the zoning history of this property is significant. History shows that the Petitioner entered into a contract of sale to acquire the subject property around 1983. In October, 1983, the Church filed a Petition for Special Exception (Case No. 84-130-X) seeking approval of a church on the subject property zoned R.C. 4. The case was not immediately prosecuted; however, a special exception was eventually granted by the then Deputy Zoning Commissioner on November 22, 1983, and, on appeal, was upheld by the County Board of Appeals by Order issued September 19, 1984, subject to certain restrictions. Armed with this approval, the Church acquired the subject property under their contract of sale in November, 1984. Development of the site did not quickly follow. The matter lurched along through a series of changing site plans and subsequent governmental approvals until the Church was eventually erected in 1990. The Petitioners then came before me in Case No. 92-281-SPIIXA, in which they filed Petitions for Special Hearing, Special Exception and Variance relief. The Petition for Variance at that time sought permission to erect two externally illuminat-

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ed identification signs. The Petition for Special Hearing sought approval of an amendment to the previously approved site plan in Case No. 84-130-X. The Petition for Special Exception was withdrawn.

Following a lengthy hearing, I issued an Order on June 7, 1994 which denied the Petitions for Special Hearing and Variance. My Opinion and Order issued at that time comprehensively set forth the details of the zoning history and land use of the site. The Findings of Fact and Conclusions of Law set forth therein are hereby adopted within this Order and clearly trace the arduous path which this development has followed. My conclusions for the reasons fully stated in the Opinion were that the approval to construct the church, pursuant to the special exception relief, had lapsed, and that the church building constructed in 1990 was illegal. I therefore held that the Petitioner raze the improvements or, in the alternative, file a new Petition for Special Exception to permit the existing church to remain.

Unhappy with this result, the Petitioners filed an appeal to the County Board of Appeals; however, the appeal hearing has not yet been heard and is now pending. Moreover, after securing the services of a land use attorney (Mr. Gontrum), and consulting firm (George W. Stephens, Jr. and Associates, Inc.), the Church filed the instant Petition for Special Exception. It is no doubt hoped by the Petitioners that a grant of this special exception will obviate the need for prosecution of the appeal of my prior decision before the Board of Appeals. In any event, the site plan submitted purportedly shows the existing improvements on the site and is filed in support of the Petition for Special exception to legitimize the existing use. The Petitioners emphasize that they plan no additional construction and that they filed the instant Petition only to obtain law-

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ful approval of the existing use. For their part, the Protestants indicated that they did not object to the Petition for Special Exception and use per se, but wish the use restricted and are concerned in view of the development history of this site.

Testifying on behalf of the Petitioners was David L. Martin from George W. Stephens, Jr. and Associates, Inc. Mr. Martin is a Registered Landscape Architect with the State of Maryland and his seal appears on the site plans which were submitted in this case. Mr. Martin offered extensive testimony about the preparation of those plans and stated, unequivocally, that they accurately depict the property and improvements thereon. He noted that the plans were prepared in the usual fashion, common to the practices of the engineering industry. The plat was laid out by obtaining a metes and bounds description of the property from the Church's deed of acquisition of the property. Prior plats were also used to place certain improvements on the property and the accuracy of these deeds was checked by Mr. Martin's several site inspections and measurements.

As shown on the site plan marked into evidence as Petitioner's Exhibit 1, the subject property is entirely zoned R.C. 4 and is roughly 3.96 gross acres in area. This gross acreage includes property to the centerline of Shawan Road which provides vehicular access to the site and abuts same. When deducting the property under this roadway, the net acreage of the site is reduced to 3.75 acres. This acreage includes only the roughly rectangular shaped area of the property which the church owns in fee. As shown on the site plan, as part of the special exception request, the Church also has obtained an easement of approximately 22,000 sq.ft. in area on adjacent land. That property was formerly owned by Mildred M. Sutton, now deceased, and is now owned by the aforementioned Dennis Sutton

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and his brother. This easement area was obtained to provide a site for the septic drain field for the subject property, which is not served by public water or sewer facilities.

Returning to Mr. Martin's testimony, he described the subject property and improvements thereon. The site contains an existing church building which is approximately 8,120 sq.ft. in area. There is also a small outside play area behind the Church building which is used for the day care facility. The balance of the site is improved with a porous paved parking lot which provides parking for 79 vehicles. This parking area is constructed of what Mr. Martin labeled as "popcorn paving" which is porous in nature. Mr. Martin testified that the porous nature of the paving was required to comply with the standards of the Department of Environmental Protection and Resource Management (DEPRM). Those standards require that no more than 10% of an R.C. 4 lot can be impervious surface. Counting only the building, the sidewalk areas, and small areas of macadam on site, and not the parking lot, the area of impervious surface is within this 10% threshold.

Mr. Martin also discussed sight distances on Shawan Road. His testimony in this respect was that sufficient sight distance existed to the east towards I-83 and the Hunt Valley business community. To the west, the sight distance was more limited, but was still acceptable in his view. Sight distance was also aided by the presence of an acceleration/deceleration lane on that side of Shawan Road abutting the Church property. In Mr. Martin's judgment, the special exception use would not adversely affect traffic patterns in the area or constitute a traffic hazard.

Mr. Martin also discussed the proposed landscaping for this site. Petitioner's Exhibit 4 shows existing and proposed plantings. This is one

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area of concern as noted in my prior Order in Case No. 92-281-SPHXA. The Petitioners were required to submit a landscape plan in 1984 as part of the special exception approval; however, that plan was never implemented. The balance of Mr. Martin's testimony mainly concerned the requirements contained within Section 502.1 of the B.C.Z.R. In sum, he opined that the use was not detrimental to the health, safety or general welfare of the surrounding locale and that the special exception should be granted.

Mr. Jerry Sackleh, a member of the Church council, also testified. He described the use of the Church and the activities thereon. There are approximately 55 families which are members of this Church. The Church is part of the Eastern Orthodox religion. As it is a member of the Antioch Archdiocese, Mr. Sackleh indicated that the Church building was used for religious services and related functions. Day care is also provided on site and is limited to under 40 children, pursuant to State regulations.

The testimony offered by the Protestants primarily concerned the proposed use and adequate restrictions which should be placed thereon. As noted above, they did not urge an actual razing of the Church building. Properly restricted, they believe that the use is appropriate at this location.

Based upon the testimony and evidence presented, I agree with the Petitioners and the Protestants on this issue. As stated by the Court of Appeals in the leading case of Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981), "The special exception use is part of a comprehensive zoning plan sharing the presumption that, as such, it is in the interest of general welfare, and therefore, valid." Page 1325. Thus, a special exception must be granted, absent a showing that the use at the proposed location

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causes a unique adverse effect. The criteria established within the B.C.Z.R. as to the test to be applied is found with Section 502.1. Therein, a list of items are to be considered by this Zoning Commissioner in determining whether a special exception relief should be granted. In applying these standards to the Church use, I am persuaded that the Petition for Special Exception should be granted. The testimony offered by Mr. Martin in this regard was uncontradicted. Thus, I am persuaded to grant the Petition for Special Exception, thereby permitting the operation of a Church in an R.C. 4 zone.

In granting the Petition for Special Exception, I am empowered by the B.C.Z.R. (Section 502.2) to impose such conditions, restrictions or regulations as I might deem necessary or advisable for the protection of surrounding or neighboring properties. In this regard, several restrictions shall be imposed upon the relief granted. These restrictions shall operate as a condition precedent to the special exception relief. A violation or noncompliance with these restrictions would subject these Petitioners to prosecution for a zoning violation. Particularly, with the history of this development, I remind the Petitioners that these restrictions are to be precisely followed.

First, as requested by both the Office of Planning and Zoning (OPZ) within their Zoning Plans Advisory Committee (ZAC) comments dated April 25, 1995, and by the Protestants, the Petitioners shall develop and submit a landscape plan for approval by the Landscape Architect for Baltimore County. The design of said plan and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing of the plantings shall be established by Mr. Harden. The proposed plan submitted by the Petitioner and marked into evidence as Petitioner's Exhibit 4,

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appears appropriate; however, I will defer ultimate approval of the design and implementation of a landscape plan to Mr. Harden's expertise. It seems appropriate to give such direction.

Second, it must be understood that the Petition for Special Exception shall provide the Petitioners with authority only to operate a Church with a group child care center on the subject site. Section 101 of the B.C.Z.R. defines the terms used throughout the regulations, but unfortunately, does not define the term "church". In such an event, the B.C.Z.R. directs the reader to Webster's Third New International Dictionary of the English Language, Unabridged, which defines church as "A place of worship of any religion". Clearly, religious services, weddings, funerals and the like would be permitted. Moreover, routine activities accessory to the church functions would be allowed. These would include bible study and similar meetings and other activities of the congregation as they relate to the Church's welfare. Church dinners, and similar fundraisers would also be permissible. However, the Church cannot lease its facilities as a commercial banquet hall or dining facility. This is not a commercial establishment, but a place of worship and reflection. The building must be used within those guidelines. Along these lines, there can be no further improvements to the property, including additions to the structure or additional impervious surface. I shall approve the Petition for Special Exception, only in accordance with that shown on Petitioner's Exhibit 1. Improvements to the site, including any additional building or proposed change in use, would require the Petitioners to file a new Petition for Special Hearing to amend the site plan approved herein. The approval conferred herein is precisely limited to the existing improvements.

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Third, the Department of Environmental Protection and Resource Management (DEPRM) recommends that a maintenance agreement be entered into with a septic service company to provide periodic inspection of the absorption trenches. Alteration of the use of these trenches every six (6) months and septic removal as needed is also recommended. As noted above, this site is not served by public utilities. In order to obtain an area suitable for sewage disposal, the Petitioners entered into an easement agreement with the adjoining property owners for utilization of a 22,000 sq.ft. area on the neighboring Sutton property as described above. The propriety of such a use under the zoning regulations is not before me. Moreover, the fact of the matter is that the existing septic system was approved by Baltimore County, and has been installed. By this opinion, I neither endorse the conceptual use of neighboring property to support the septic system, nor state that same is impermissible. Consideration of this issue in the instant case is limited to the application of the special exception standards and DEPRM's comments. The Petitioners submitted a document (Petitioner's Exhibit 5) which is purportedly a contract with the Casper Sewage Service to perform such services pursuant to DEPRM's comments referenced above. The document submitted is not a contract and I do not accept it as such. Although the Church expressed a willingness to follow DEPRM's suggestion, I shall require such adherence as a condition to the special exception relief granted herein. Thus, I will require the Developer to submit to DEPRM, twice yearly, satisfactory evidence from a sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community

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Association. These two community groups shall receive copies of this information, owing to their interest in preserving the environmentally sensitive areas surrounding this site and protecting the ground water table.

The next area for restriction relates to signage. It is of note that no sign variance has been requested. At present two signs exist on the front of the property, facing Shawan Road. One advertises the Church and is depicted on the site plan and in photographs at the hearing. The second sign advertises the day care facility and is to be removed. Per the Petitioners representations, this sign shall be removed within sixty (60) days of the date of this Order. As to the Church sign, same is illuminated by two 75-watt bulbs. There was significant testimony about other signs in this area and that the community feels that lighted signs are incompatible with the rural and residential character of this vicinity. The Petitioners agreed that the sign would be connected to a timer. In my view, it seems appropriate that the sign should be illuminated in the manner presently provided, only until 11:00 PM. It is doubtful whether any individuals would be coming to the Church after that hour and need the direction provided by such signage. Thus, this Order shall contain a restriction allowing illumination of the sign only from dusk until 11:00 PM.

There was also testimony concerning lights on the parking lot. I will not require that they be turned off at any given hour. Matters of security and safety are important factors in this consideration. Individuals at the Church may leave later than 11:00 PM. Moreover, there are other lighted parking lots in the area, including the Oregon Ridge facility. Thus, I will not require that the parking lot lights be connected to a timing device. However, the light produced thereby shall be directed

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towards this site only, and away from any adjoining property or Shawan Road, in accordance with the Department of Public Works' standards for parking lot lights.

With the above restrictions, I believe that the use of the subject site by the St. Mary's Eastern Orthodox Church congregation is an appropriate use at this location and can be conducted without harm to the surrounding locale. Thus, I will approve the Petition for Special Exception with the restrictions outlined above. It is truly hoped by this Zoning Commissioner that such a decision will end the litigation spawned by this development between the Church and its neighbors.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the relief requested shall be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Special Exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3.B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within sixty (60) days of the date of this Order, the Petitioners shall develop and submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore County. The design and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing for implementation of the plan shall be at the discretion of Mr. Harden.

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By

3) The special exception granted herein is limited to the existing Church with a group child care center facility. The Church cannot lease its facilities for use as a commercial banquet hall or dining facility.

4) In accordance with the recommendation of the Department of Environmental Protection and Resource Management (DEPRM), the Petitioners shall enter into a maintenance agreement with a septic service company to provide periodic inspection of the absorption trenches. The use of these trenches shall be alternated every six (6) months and/or sewage removed as needed. The Petitioners shall submit to DEPRM, twice yearly, satisfactory evidence from the sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community Association.

5) The sign advertising the day care facility shall be removed within sixty (60) days of the date of this Order. The Church identification sign shall be permitted to remain; however, the sign shall be connected to a timer to insure that illumination of the sign is only from dusk to 11:00 PM. In addition, all lights on the parking lot shall be directed towards this site only and not onto any adjoining property or onto Shawan Road.

6) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/23/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

May 23, 1995

(410) 887-4386

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Shawan Road, 2400' E of Beaver Dam Road
(909 Shawan Road)
8th Election District - 3rd Councilmanic District
St. Mary's Greek Orthodox Church - Petitioner
Case No. 95-354-X

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Father George Romley & Mr. Jerry Sackleh
St. Mary's Orthodox Church, 909 Shawan Road, Hunt Valley, Md. 21030

Messrs. David L. Martin and James Kline, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Dr., Towson, Md. 21204

Mr. Jeffrey Foreman, 1 Sheepfold Lane, Hunt Valley, Md. 21030

Mr. A. Douglas McComas, The Falls Road Community Assoc.
P.O. Box 555, Brooklandville, Md. 21022

Ms. Kristen Forsyth, The Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

People's Counsel; Case File

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34
95-354-X

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 909 Shawan Road, Hunt Valley, MD 21030

which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special Exception for a church/~~church hall~~ with group child care center in a R.C.4 zone. JH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s) St. Mary's Greek Orthodox Church

By: Jerry Sackleh, Chairman

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

909 Shawan Road

467-6200

Address

Phone No

Hunt Valley, MD 21030

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Attorney for Petitioner

John B. Gontrum, Esquire

(Type or Print Name)

Romadka, Gontrum & McLaughlin, P.A.

Signature

814 Eastern Blvd.

686-8274

Address

Phone No

Essex, Maryland 21221

City

State

Zipcode

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP-OFF
NO REVIEW
4/5/95 WCR



ORDER RECEIVED FOR FILING
Date 5/23/95
By JH

346

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

95-354-X

Description to Accompany a
Petition for a Special Exception.

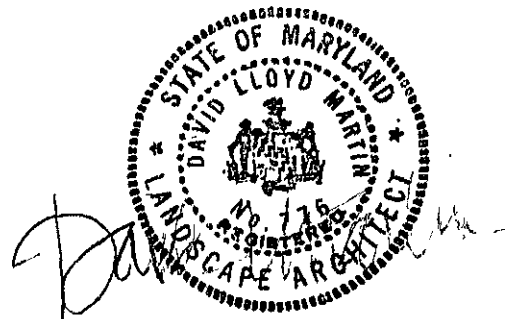
February 28, 1995

RE: St. Mary's Orthodox Church

Point of beginning being located 2,400 feet± along the center line of Shawan Road easterly from
Beaver Dam Road thence in a clockwise direction:

- 1 - South 61° 30' East 258.00 feet±
 - 2 - South 63° 00' East 54.65 feet±
 - 3 - South 34° 12' West 530.00 feet±
 - 4 - North 55° 48' West 266.81 feet±
 - 5 - South 63° 30' West 34.00 feet±
 - 6 - South 26° 38' 54" West 143.00 feet±
 - 7 - North 63° 21' 06" West 150.00 feet±
 - 8 - North 26° 38' 54" East 105.00 feet±
 - 9 - North 63° 30' East 57.00 feet±
 - 10 - South 63° 21' 06" East 108.00 feet±
 - 11 - North 63° 30' East 31.00 feet±
 - 12 - North 26° 30' West 70.32 feet±
 - 13 - North 63° 30' East 143.14 feet± and
 - 14 - North 26° 38' 54" East 336.49 feet± to the place of beginning.
- Containing 3.96 acres of land more or less.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN
CONVEYANCES OR AGREEMENTS.



95-354-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 4/21/95

Posted for: Special Exception

Petitioner: St. Mary Church

Location of property: 909 Shawn Rd.

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: M. Shaly Date of return: 4/28/95
Signature

Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-354-X (Item 346)
909 Shewan Road
2400 E of Beaver Dam Rd.
8th Election District
3rd Councilmanic
Legal Owner:

St. Mary's Greek
Orthodox Church
HEARING: MONDAY
MAY 15, 1995 at 11:00 a.m.
In Rm. 118, Old
Courthouse.

Special Exception: for a
church with group child care
center.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped accessible; for special
accommodations Please Call
887-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

4/23/95 April 20.

TOWSON, MD.,

April 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 20, 1995.

THE JEFFERSONIAN,

A. Henderson
LEGAL AD. - TOWSON



Baltimore County
 Zoning Administration &
 Development Management
 112 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 95-354-X

Date 4/5/95

Account: R-001-6150

Number 346 (WCR)

DROP-OFF — NO REVIEW

#050 - SPECIAL EXCEPTION	\$300.00
#020 - SIGN POSTING	35.00
TOTAL	\$335.00

Legal Owner: St. Mary's Greek Orthodox Church
 909 Shawan Road
 3.96 +/- acres
 Zoning: R.C.-4
 District: Bc3
 Attorney: John B. Gontfara

Check from: Saint Mary's
 Orthodox Church
 (410) 271-1111

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTKENT PUBLISHING COMPANY
April 20, 1995 Issue - Jeffersonian

Please forward billing to:

John B. Gontrum, Esq.
814 Eastern Blvd.
Essex, MD 21221
686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-354-X (Item 346)
909 Shawan Road
2400' E of Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner: St. Mary's Greek Orthodox Church
HEARING: MONDAY, MAY 15, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a church with group child care center.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-354-X (Item 346)
909 Shawan Road
2400' E of Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner: St. Mary's Greek Orthodox Church
HEARING: MONDAY, MAY 15, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a church with group child care center.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: St. Mary's Greek Orthodox Church
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 10, 1995

John B. Gontrum, Esquire
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 346
Case No.: 95-354-X
Petitioner: St. Mary's Greek
Orthodox Church

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

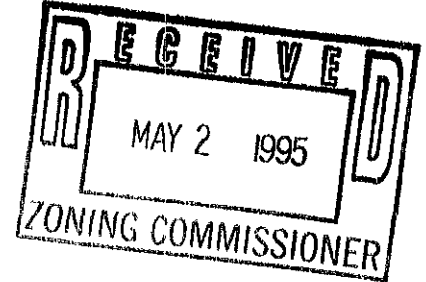
WCR/jw
Attachment(s)



11:06 AM
5/13/95

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)



April 26, 1995

Zoning Commissioner of Baltimore County
Room 112, Old County Court House
400 Washington Ave.
Towson, MD 21204

Re: St. Mary's Church, Case #95-354-X

Dear Sir:

We support fully the staff report of the Office of Planning and Zoning and the conditions suggested therein as a prerequisite to granting the current Special Exception petition. We would modify these conditions slightly:

1. No illumination of the church sign.
2. No future expansion of the improvements; the impervious area of the site is already excessive.
3. No further permanent improvements or enclosure of the "play area".
4. With the exception of church-related activities, no functions, catered events, or receptions shall take place at the church.
5. An approved landscape plan is to be forwarded to the Zoning Commissioner within 30 days.

We think it important that a strict time limit be attached to item 5, given the past history of non-compliance in this case.

Sincerely,


John Bernstein
Executive Director

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: April 25, 1995

SUBJECT: 909 Shawan Road

INFORMATION:

Item Number: 346

Petitioner: St. Mary's Greek Orthodox Church

Property Size: 3.96 acres

Zoning: RC-4

Requested Action: Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception for a church with a group child care in a RC-4 zone.

A Special Exception was previously granted for a church at the subject location (see 84-130-X). A subsequent Petition was filed in Case No. 92-281-SPHXA and it was found at that time that the original Special Exception has expired.

To date, there has been much confusion regarding the development of this site. The current Special Exception request presents an opportunity to provide much needed parameters in order to insure that this site will be in full compliance with all Baltimore County regulations. In addition, the imposition of reasonable restrictions can be used as a tool to resolve outstanding problems involving the development of this site.

Shawan Road is a Master Plan scenic route. One of the goals of the scenic route program is the preservation of the visual character that makes Baltimore County distinctive. To insure that this site is consistent with the goals of the Master Plan, it is essential that conditions be placed in the Order to address issues regarding lighting, landscaping and signage.

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be granted subject to the following conditions:

- 1) The plat accompanying the Petition indicates a sign detail. The dimensions of the sign are reasonable; however, any illumination of the sign should be prohibited.
- 2) No future expansion of the subject property should be allowed as any additional construction would result in overdevelopment of the site.
- 3) At no time should any further permanent improvements be permitted in the location designated as a play area.
- 4) With the exception of church related activities, no receptions should be held at the church.
- 5) Until such time as an approved landscape plan is forwarded to the Zoning Commissioner, no final action should be taken regarding the requested approval of the Special Exception.

Prepared by:

Jeffrey M. Long

Division Chief:

Daryl L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director May 1, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #346 - St. Mary's Greek Orthodox Church
909 Shawan Road
Zoning Advisory Committee Meeting of April 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

The septic system for the St. Mary's Church facility was designed to be alternated every six months between two absorption fields. It is suggested that a maintenance policy be made with a septic service company to provide for periodic inspection, alternation of the absorption trenches every six months and septage removal as needed.

JLP:TE:sp

STMARYS/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 19, 1995

95-354-X

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Avenue
Essex, MD 21221

RE: Preliminary Petition Review (Item #346)
Legal Owner: St. Mary's Greek Orthodox
Church
909 Shawan Road
8th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. C. Merrey", is written over the typed name.

Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

cc: Zoning Commissioner





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-14-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 346 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/19/95



Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: ST. MARY'S GREEK ORTHODOX CHURCH

LOCATION: 5175 SHAWAN RD., 2400' E OF BEAVER DAM RD. (909 SHAWAN RD.,
ST. MARY'S CHURCH)

Item No.: 346

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUFERWALD
Fire Marshal Office, PHONE 887-4881, MS-11025

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: April 24, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 24, 1995
Items 341, 342, 344, 345, 346, 347, 348, and 351 *7*

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

[Handwritten signature]

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
909 Shawan Road, 2400' E of Beaver Dam Rd, * ZONING COMMISSIONER
8th Election District, 3rd Councilmanic *
St. Mary's Greek Orthodox Church * OF BALTIMORE COUNTY
Petitioner *
CASE NO. 95-354-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

LAW OFFICES
BOWIE & JENSEN
6TH FLOOR, 29 W. SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204-5274
[http:// www.charm.net/~bowjen/](http://www.charm.net/~bowjen/)
(410) 583-2400
FAX (410) 583-2437

MARK T. JENSEN

JENSEN@LawBowJen.com

March 31, 1997

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
400 Washington Avenue
Room 112
Towson, Maryland 21204

Re: Petition for Special Exception
SW/S Shawan Road, 2400' E of Beaver Dam Road
(909 Shawan Road)
8th Election District
3rd Councilmanic District
St. Mary's Greek Orthodox Church, Petitioner
Before the Zoning Commissioner of Baltimore County
Case No. 95-354-X

Dear Mr. Schmidt:

I am writing to confirm my understanding of our telephone conversation of today during which we discussed the proposed Mediterranean Festival which St. Mary's Orthodox Church would like to hold on its grounds on Saturday, June 21, 1997, and Sunday, June 22, 1997. This Festival will be a fundraiser for the Church and will be very similar to the festivals held by every other Orthodox Church in the area.

We believe that this Festival falls within the routine activities accessory to the church functions such as "church dinners, and similar fundraisers" as specifically allowed under the Second restriction on Page 8 of the above-captioned FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I spoke to John Bernstein, Executive Director of Valleys Planning Council, today and discussed our plans for the Mediterranean Festival. He indicated that he saw no reason that the Valleys Planning Council would oppose such a Festival.

If, after review and consideration of this matter, you agree with our reading of the FINDINGS OF FACT AND CONCLUSIONS OF LAW, I respectfully request that you sign this letter where indicated below and return a copy to us for our file.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID L. MARTIN - GWS & ASSOC.	658 KENILWORTH DR. TOWSON
JIM KLINE "	"
Mohi A. Bassir, P.E.	1602 Timberline Ct 21286
JERRY SACKLEH	9427 TOPPA ROAD RD / 21234
JULIET SACKLEH	2811 E. NORTHERN PKY / 21214
WILLIAM A. GRANT	1317 HARDEN LA. 21208
LILLIAN KASSIR	1602 Timberline ct 21286
Rafeef Shalaby	1028 Breckwell Rd 21286
May Shomali	1035 / /
Margaret Pleikhs R.N.	1401 Autumn Leaf Rd. 21286
JACOB MUFAREH	4707 MAWANI RD 21206
MARY P. BRONDAGE	10707 ANGLICAN RD 21030
Lillian Jadra	2304 Tufton Ridge Rd
ERIC HARRISON	" "
Jennifer Jadra	2304 Tufton Ridge Rd
Joseph Mufareh	4707 Mawani Rd.
Joyce Barakat	2137 PINE VALLEY DR. 21093
FR. George Romley	18 Northampton Pl. Tid. 21093
Dennis J. Miller	13500 Beaver Dam Rd 21031



CASPER SEWERAGE SERVICE
10909 YORK • COCKEYSVILLE, MD 21030
PHONE: 866-1015 or 866-1484

SOLD TO

ADDRESS

909

SHIP TO

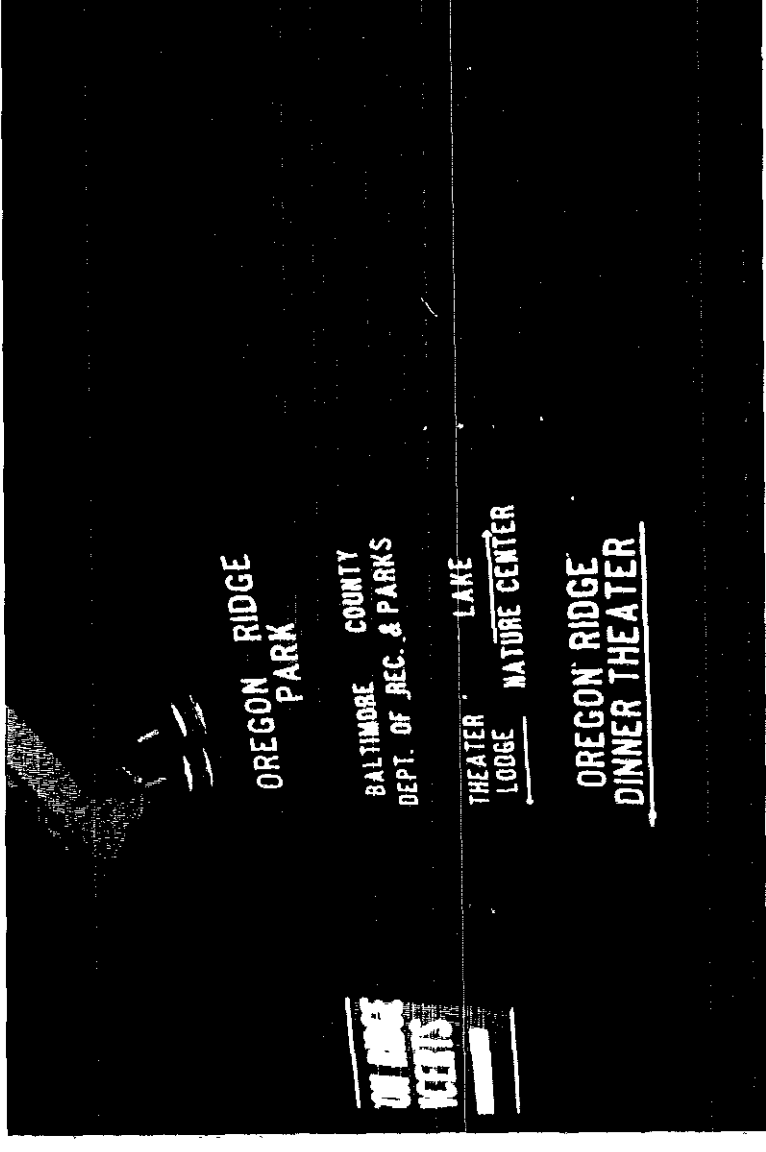
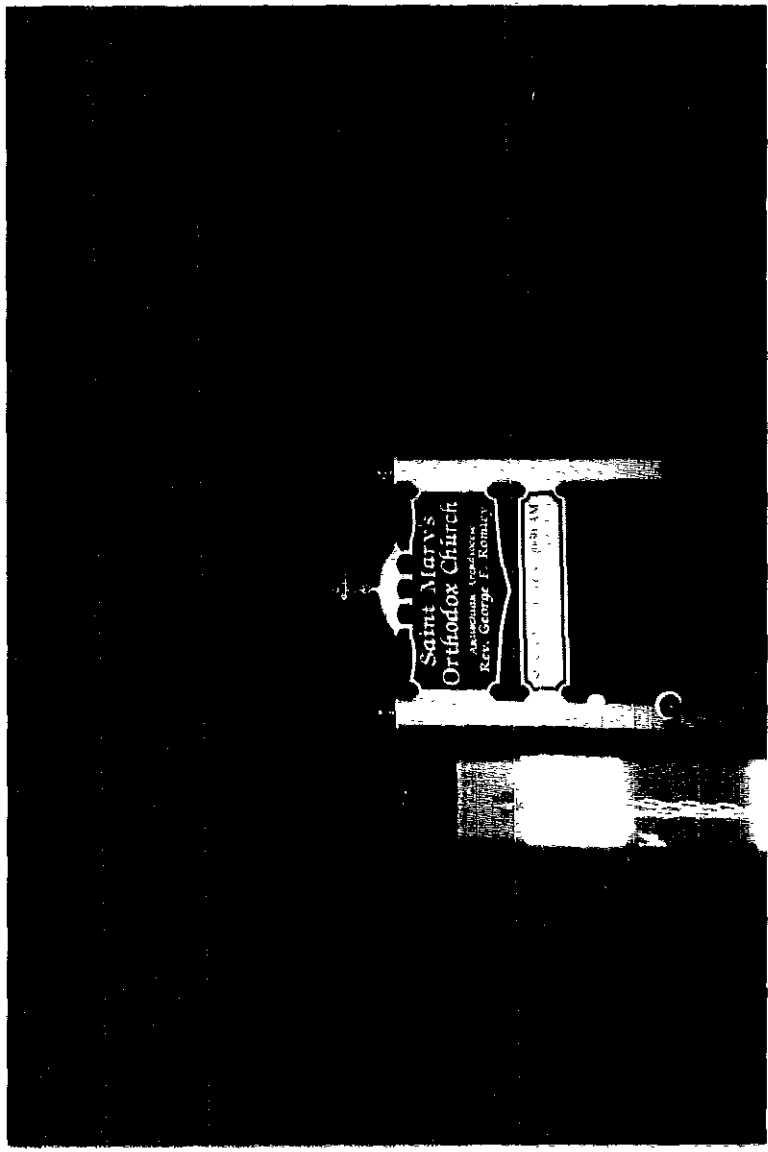
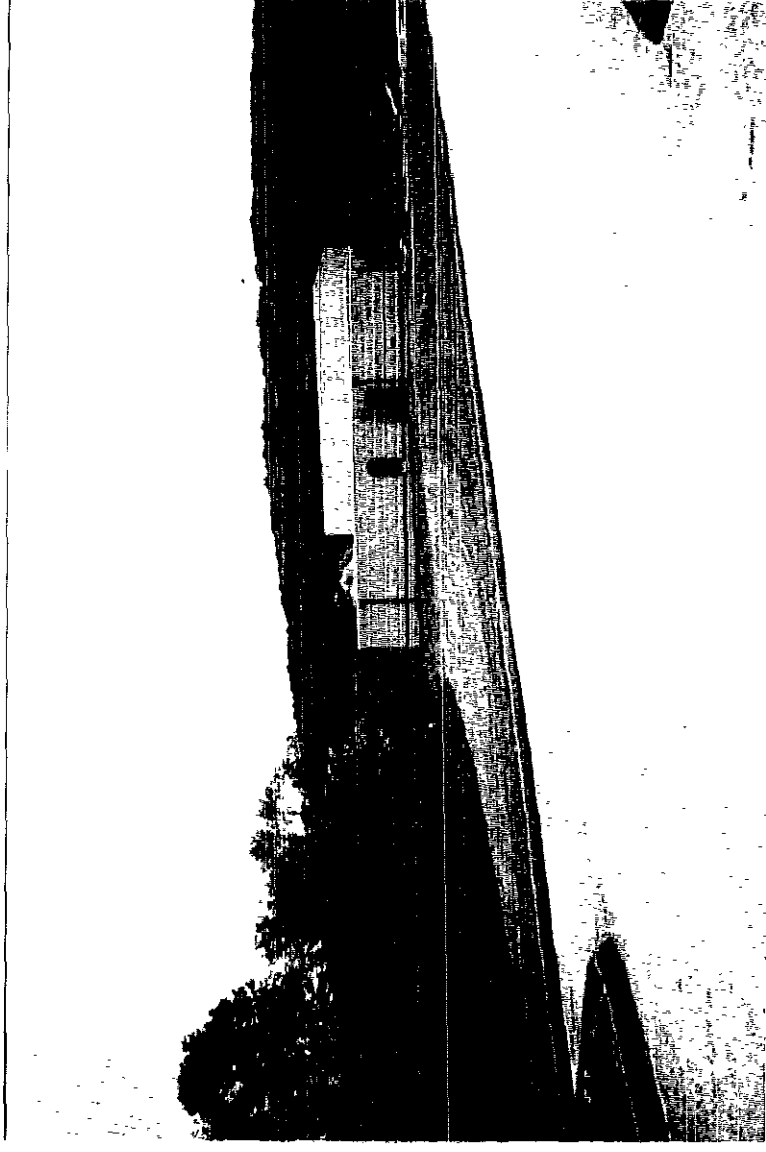
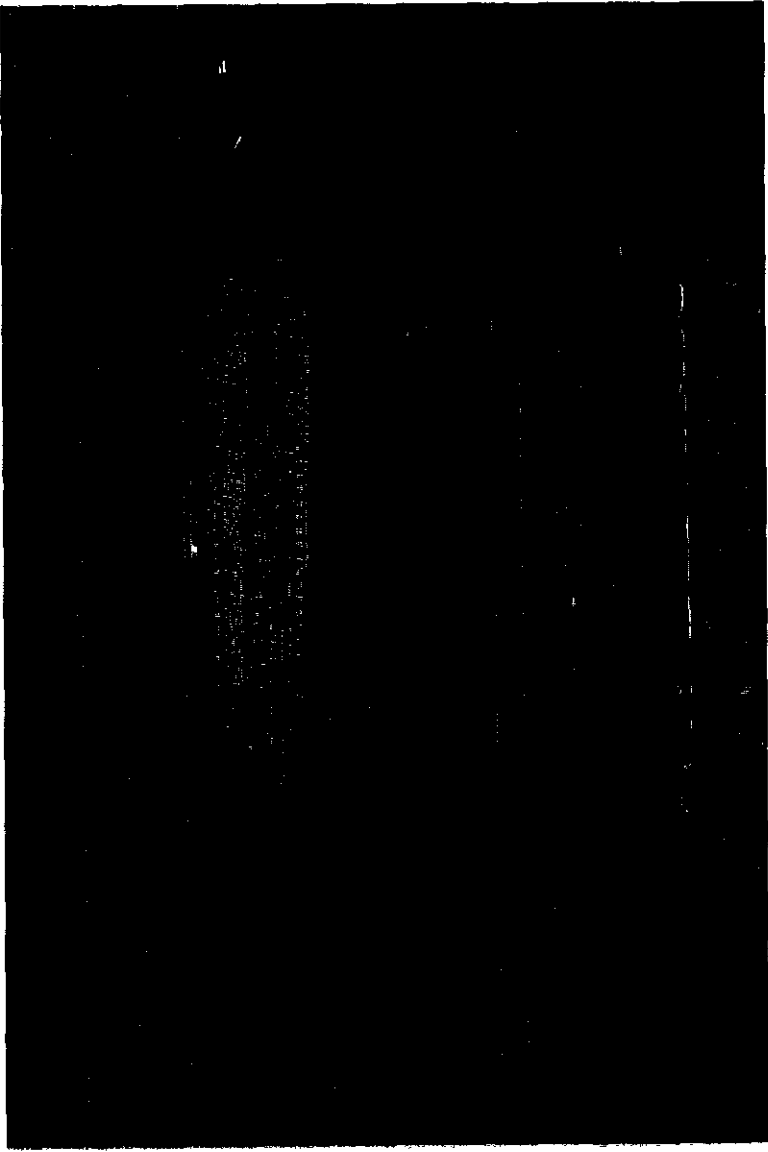
Saint Mary's Orthodox Church
909 Shawan Rd Apt 594
Hunt Valley, md 21038

1	<i>Septic Tank</i>		
2	<i>Twice a year</i>		
3	<i>Jan. and Aug.</i>		
4	<i>\$135 a load</i>		
5			
6	<i>Father George</i>		
7			
8	<i>charge diverter</i>		
9	<i>valve each</i>		
10	<i>6 months.</i>		
11			
12			
13			

Date *12/24/94* Received by _____

ALL CLAIMS AND RETURNED GOODS
MUST BE ACCOMPANIED BY THIS BILL

Pet No 5





#1 Pet 3A CREST OF HILL
240' WEST OF
515' ELEV



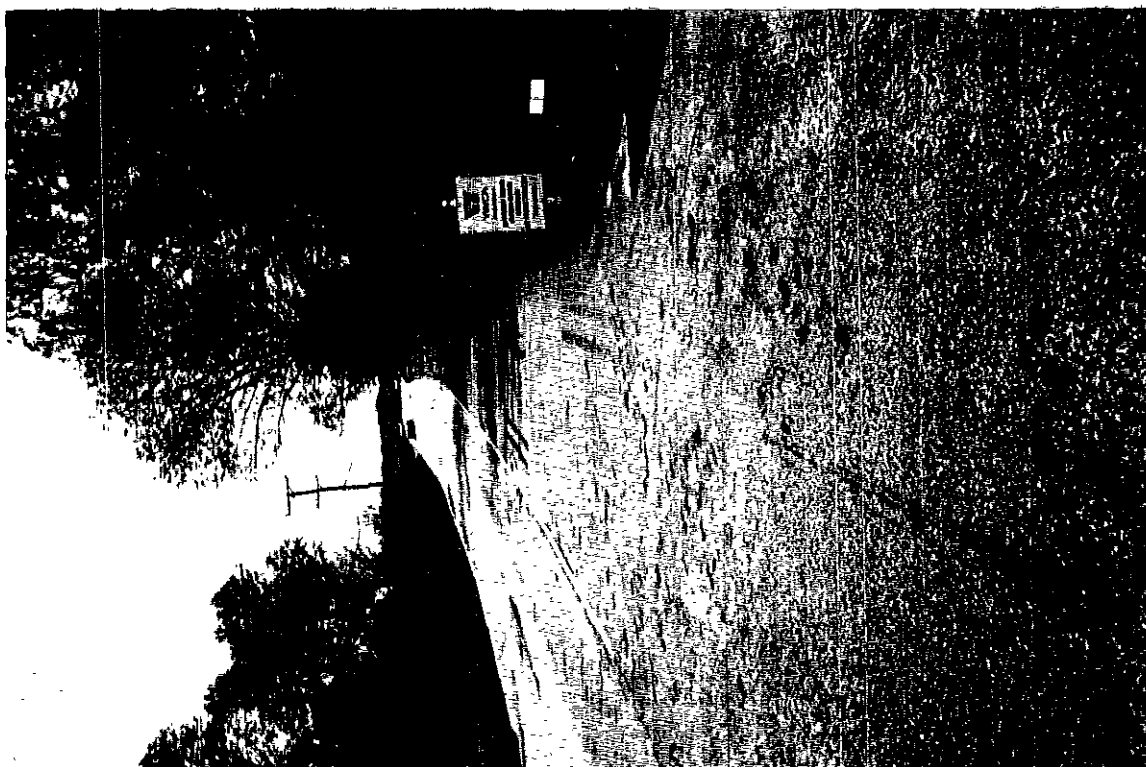
#2 Pet 3B 201' WEST OF P 300

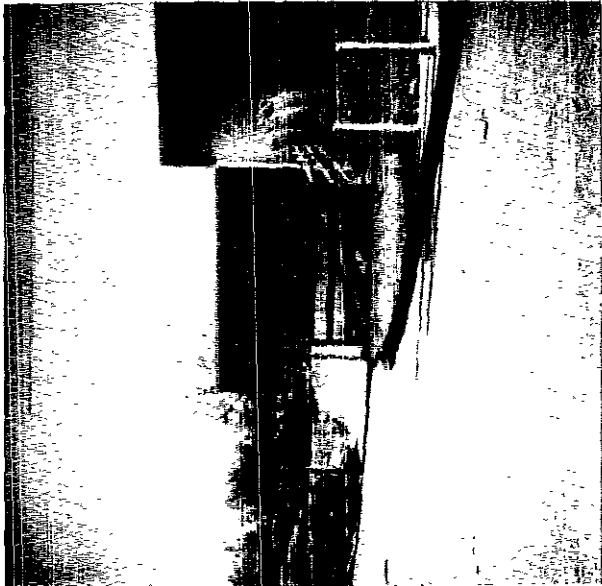


#3 Pet 3C 500' EAST OF
P 300



KEB 95
#10 FROM SHAWAN RD
D LOOKING ALONG E/R





FEET SEE VIEW

#30



1st of FEET. LOOKING WEST
NORTH (THROUGH PAVING WARNING) 31

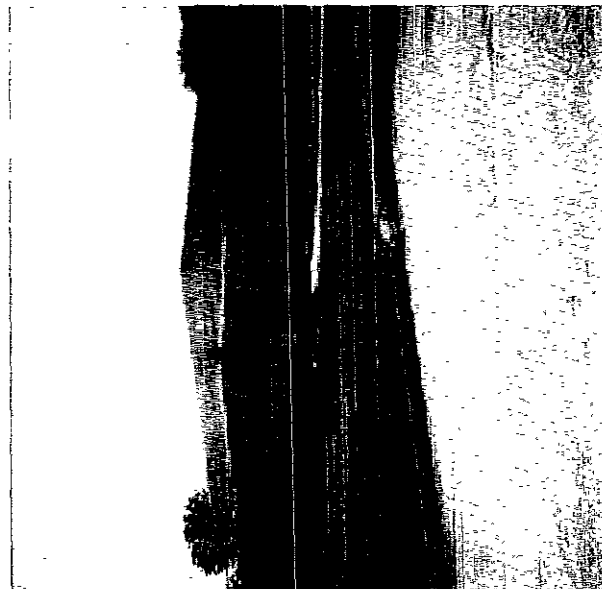


FEET SEE VIEW
ON #5

#38



#6 H ALARM & FUMP
CONTROL FOR SOPS

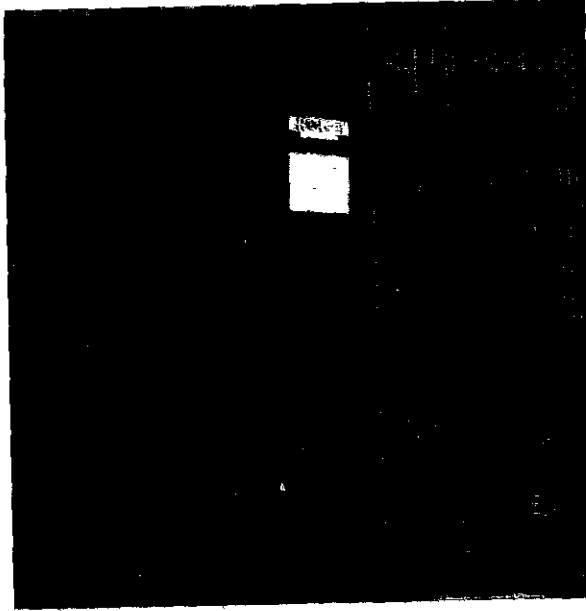


FEET SEE VIEW

#39

#40

95-354-X



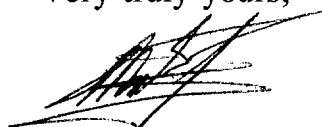
354

MICROFILMED

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
March 31, 1997
Page 2

I thank you, in advance, for your kind consideration to our request.

Very truly yours,

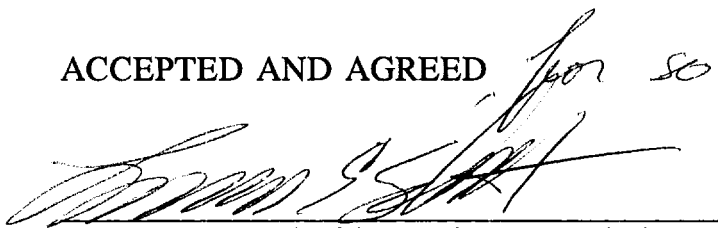


Mark T. Jensen

MTJ:lvc

cc: The Very Reverend George F. Romley

ACCEPTED AND AGREED


Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County

DATE: 4/7/97

*for so long as this is
a fundraiser for the
church & this is
not a rental.*

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Jeffrey Foreman

JEFFREY FOREMAN

Kristen Forsyth

A. DOUGLAS McCOMAS

1 SHEEPFOLD LANE

HUNT VALLEY, MD 21030

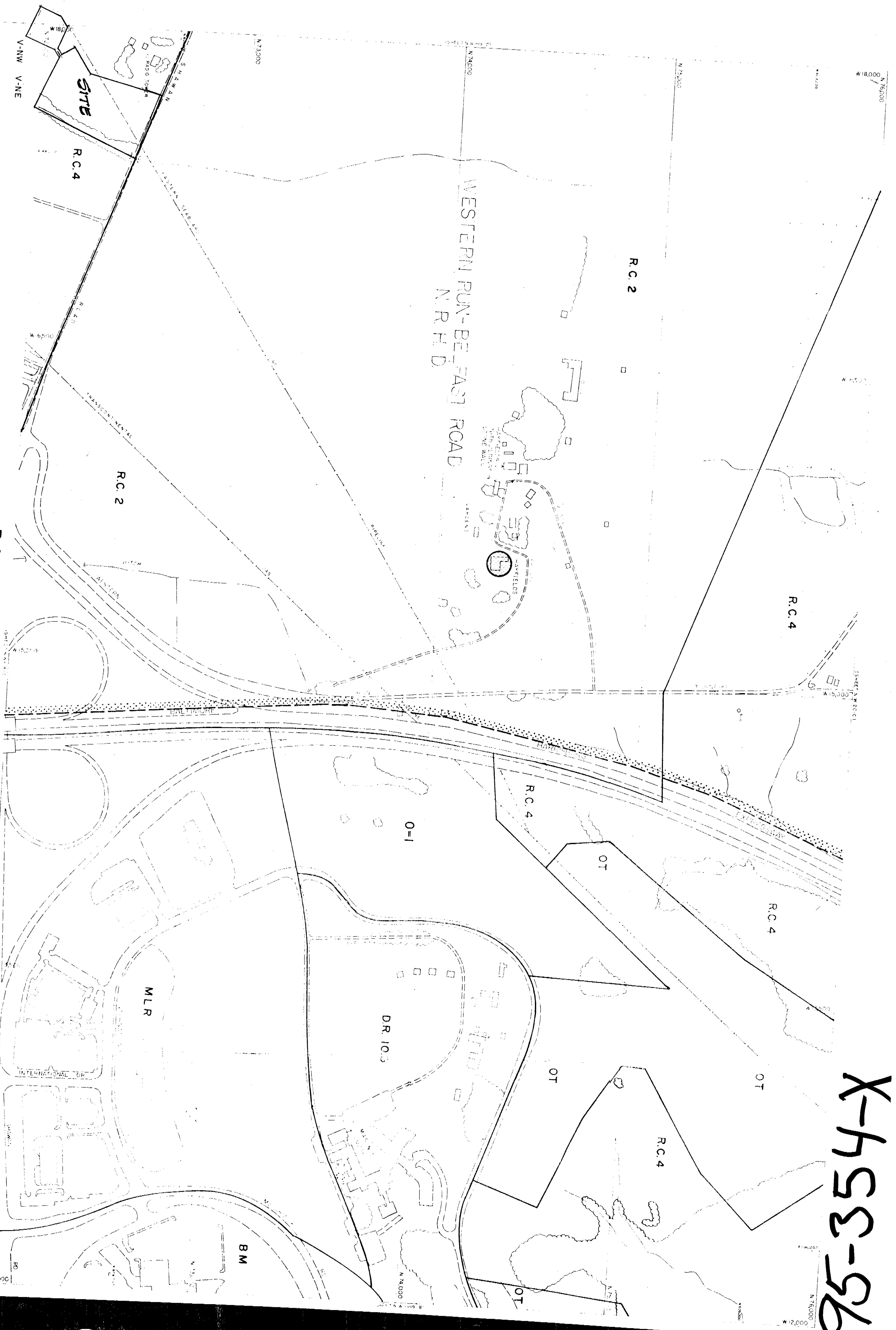
The VPC, Box 5402, Towson, MD 21285

FALLS RD. COMM. ASSOC. P.O. Box 555 Brook-

LANDVILLE, 21022



X-4553-56



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
BY PHOTOGRAPHIC METHODS
BY BALTIMORE COUNTY, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	COCKEYSVILLE
ML-/M SHEET	N.W. 19-C

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/S Shawan Road, 2400' E of * ZONING COMMISSIONER
Beaver Dam Road * OF BALTIMORE COUNTY
(909 Shawan Road) *
8th Election District * Case No. 95-354-X
3rd Councilmanic District *
St. Mary's Greek Orthodox Church
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 909 Shawan Road, located in the vicinity of Cockeysville in Hunt Valley. The Petition was filed by the owner of the property, St. Mary's Eastern Orthodox Church, by Jerry Sackleh, Chairman, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3. B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerry Sackleh, Chairman, Father George Romley, the priest who presides over the subject Church, and numerous members of the congregation. Also present on behalf of the Petition were several expert witnesses, including David L. Martin and James Kline with George W. Stephens, Jr. and Associates, Inc., the engineering and architectural firm that prepared the plat which accompanied the Petition for Special Exception, and John B. Gontrum, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Jeffrey Foreman, a nearby resident of the Greencroft community, Dennis Sutton, an immediate neighbor to the site, and A. Douglas McComas, who

appeared on behalf of the Falls Road Community Association. Kristen Forsyth appeared on behalf of the Valleys Planning Council as an interested party.

The property is improved with a one-story assembly hall, which includes an accessory kitchen and utilities wing, a Pastor's Office, and restroom facilities, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. It should also be noted that the engineering firm of George W. Stephens, Jr. and Associates, Inc. also prepared similar other plans for this case, including a plan showing the area of impervious surface (Petitioner's Exhibit 2), and a proposed landscape plan (Petitioner's Exhibit 4).

This matter comes before me for consideration a second time. In fact, the zoning history of this property is significant. History shows that the Petitioner entered into a contract of sale to acquire the subject property around 1983. In October, 1983, the Church filed a Petition for Special Exception (Case No. 84-130-X) seeking approval of a church on the subject property zoned R.C. 4. The case was not immediately prosecuted; however, a special exception was eventually granted by the then Deputy Zoning Commissioner on November 22, 1983, and, on appeal, was upheld by the County Board of Appeals by Order issued September 19, 1984, subject to certain restrictions. Armed with this approval, the Church acquired the subject property under their contract of sale in November, 1984. Development of the site did not quickly follow. The matter lurched along through a series of changing site plans and subsequent governmental approvals until the Church was eventually erected in 1990. The Petitioners then came before me in Case No. 92-281-SPHXA, in which they filed Petitions for Special Hearing, Special Exception and Variance relief. The Petition for Variance at that time sought permission to erect two externally illuminat-

- 2 -

ed identification signs. The Petition for Special Hearing sought approval of an amendment to the previously approved site plan in Case No. 84-130-X. The Petition for Special Exception was withdrawn.

Following a lengthy hearing, I issued an Order on June 7, 1994 which denied the Petitions for Special Hearing and Variance. My Opinion and Order issued at that time comprehensively set forth the details of the zoning history and land use of the site. The Findings of Fact and Conclusions of Law set forth therein are hereby adopted within this Order and clearly trace the arduous path which this development has followed. My conclusions for the reasons fully stated in the Opinion were that the approval to construct the church, pursuant to the special exception relief, had lapsed, and that the church building constructed in 1990 was illegal. I therefore held that the Petitioner raze the improvements or, in the alternative, file a new Petition for Special Exception to permit the existing church to remain.

Unhappy with this result, the Petitioners filed an appeal to the County Board of Appeals; however, the appeal hearing has not yet been heard and is now pending. Moreover, after securing the services of a land use attorney (Mr. Gontrum), and consulting firm (George W. Stephens, Jr. and Associates, Inc.), the Church filed the instant Petition for Special Exception. It is no doubt hoped by the Petitioners that a grant of this special exception will obviate the need for prosecution of the appeal of my prior decision before the Board of Appeals. In any event, the site plan submitted purportedly shows the existing improvements on the site and is filed in support of the Petition for Special exception to legitimize the existing use. The Petitioners emphasize that they plan no additional construction and that they filed the instant Petition only to obtain law-

- 3 -

ful approval of the existing use. For their part, the Protestants indicated that they did not object to the Petition for Special Exception and use per se, but wish the use restricted and are concerned in view of the development history of this site.

Testifying on behalf of the Petitioners was David L. Martin from George W. Stephens, Jr. and Associates, Inc. Mr. Martin is a Registered Landscape Architect with the State of Maryland and his seal appears on the site plans which were submitted in this case. Mr. Martin offered extensive testimony about the preparation of those plans and stated, unequivocally, that they accurately depict the property and improvements thereon. He noted that the plans were prepared in the usual fashion, common to the practices of the engineering industry. The plat was laid out by obtaining a metes and bounds description of the property from the Church's deed of acquisition of the property. Prior plats were also used to place certain improvements on the property and the accuracy of these deeds was checked by Mr. Martin's several site inspections and measurements.

As shown on the site plan marked into evidence as Petitioner's Exhibit 1, the subject property is entirely zoned R.C. 4 and is roughly 3.96 gross acres in area. This gross acreage includes property to the centerline of Shawan Road which provides vehicular access to the site and abuts same. When deducting the property under this roadway, the net acreage of the site is reduced to 3.75 acres. This acreage includes only the roughly rectangular shaped area of the property which the church owns in fee. As shown on the site plan, as part of the special exception request, the Church also has obtained an easement of approximately 22,000 sq.ft. in area on adjacent land. That property was formerly owned by Mildred M. Sutton, now deceased, and is now owned by the aforementioned Dennis Sutton

- 4 -

and his brother. This easement area was obtained to provide a site for the septic drain field for the subject property, which is not served by public water or sewer facilities.

Returning to Mr. Martin's testimony, he described the subject property and improvements thereon. The site contains an existing church building which is approximately 8,120 sq.ft. in area. There is also a small outside play area behind the Church building which is used for the day care facility. The balance of the site is improved with a porous paved parking lot which provides parking for 79 vehicles. This parking area is constructed of what Mr. Martin labeled as "popcorn paving" which is porous in nature. Mr. Martin testified that the porous nature of the paving was required to comply with the standards of the Department of Environmental Protection and Resource Management (DEPRM). Those standards require that no more than 10% of an R.C. 4 lot can be impervious surface. Counting only the building, the sidewalk areas, and small areas of macadam on site, and not the parking lot, the area of impervious surface is within this 10% threshold.

Mr. Martin also discussed sight distances on Shawan Road. His testimony in this respect was that sufficient sight distance existed to the east towards I-83 and the Hunt Valley business community. To the west, the sight distance was more limited, but was still acceptable in his view. Sight distance was also aided by the presence of an acceleration/deceleration lane on that side of Shawan Road abutting the Church property. In Mr. Martin's judgment, the special exception use would not adversely affect traffic patterns in the area or constitute a traffic hazard.

Mr. Martin also discussed the proposed landscaping for this site. Petitioner's Exhibit 4 shows existing and proposed plantings. This is one

- 5 -

area of concern as noted in my prior Order in Case No. 92-281-SPHXA. The Petitioners were required to submit a landscape plan in 1984 as part of the special exception approval; however, that plan was never implemented. The balance of Mr. Martin's testimony mainly concerned the requirements contained within Section 502.1 of the B.C.Z.R. In sum, he opined that the use was not detrimental to the health, safety or general welfare of the surrounding locale and that the special exception should be granted.

Mr. Jerry Sackleh, a member of the Church council, also testified. He described the use of the Church and the activities thereon. There are approximately 55 families which are members of this Church. The Church is part of the Eastern Orthodox religion. As it is a member of the Antioch Archdiocese, Mr. Sackleh indicated that the Church building was used for religious services and related functions. Day care is also provided on site and is limited to under 40 children, pursuant to State regulations.

The testimony offered by the Protestants primarily concerned the proposed use and adequate restrictions which should be placed thereon. As noted above, they did not urge an actual razing of the Church building. Properly restricted, they believe that the use is appropriate at this location.

Based upon the testimony and evidence presented, I agree with the Petitioners and the Protestants on this issue. As stated by the Court of Appeals in the leading case of Schultz v. Pritte, 291 Md. 1, 432 A2d 1319 (1981), "The special exception use is part of a comprehensive zoning plan sharing the presumption that, as such, it is in the interest of general welfare, and therefore, valid." Page 1325. Thus, a special exception must be granted, absent a showing that the use at the proposed location

- 6 -

causes a unique adverse effect. The criteria established within the B.C.Z.R. as to the test to be applied is found with Section 502.1. Therefore, a list of items are to be considered by this Zoning Commissioner in determining whether a special exception relief should be granted. In applying these standards to the Church use, I am persuaded that the Petition for Special Exception should be granted. The testimony offered by Mr. Martin in this regard was uncontradicted. Thus, I am persuaded to grant the Petition for Special Exception, thereby permitting the operation of a Church in an R.C. 4 zone.

In granting the Petition for Special Exception, I am empowered by the B.C.Z.R. (Section 502.2) to impose such conditions, restrictions or regulations as I might deem necessary or advisable for the protection of surrounding or neighboring properties. In this regard, several restrictions shall be imposed upon the relief granted. These restrictions shall operate as a condition precedent to the special exception relief. A violation or noncompliance with these restrictions would subject these Petitioners to prosecution for a zoning violation. Particularly, with the history of this development, I remind the Petitioners that these restrictions are to be precisely followed.

First, as requested by both the Office of Planning and Zoning (OPZ) within their Zoning Plans Advisory Committee (ZAC) comments dated April 25, 1995, and by the Protestants, the Petitioners shall develop and submit a landscape plan for approval by the Landscape Architect for Baltimore County. The design of said plan and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing of the plantings shall be established by Mr. Harden. The proposed plan submitted by the Petitioner and marked into evidence as Petitioner's Exhibit 4,

- 7 -

appears appropriate; however, I will defer ultimate approval of the design and implementation of a landscape plan to Mr. Harden's expertise. It seems appropriate to give such direction.

Second, it must be understood that the Petition for Special Exception shall provide the Petitioners with authority only to operate a Church with a group child care center on the subject site. Section 101 of the B.C.Z.R. defines the terms used throughout the regulations, but unfortunately, does not define the term "church". In such an event, the B.C.Z.R. directs the reader to Webster's Third New International Dictionary of the English Language, Unabridged, which defines church as "A place of worship of any religion". Clearly, religious services, weddings, funerals and the like would be permitted. Moreover, routine activities accessory to the church functions would be allowed. These would include bible study and similar meetings and other activities of the congregation as they relate to the Church's welfare. Church dinners, and similar fundraisers would also be permissible. However, the Church cannot lease its facilities as a commercial banquet hall or dining facility. This is not a commercial establishment, but a place of worship and reflection. The building must be used within those guidelines. Along these lines, there can be no further improvements to the property, including additions to the structure or additional impervious surface. I shall approve the Petition for Special Exception, only in accordance with that shown on Petitioner's Exhibit 1. Improvements to the site, including any additional building or proposed change in use, would require the Petitioners to file a new Petition for Special Hearing to amend the site plan approved herein. The approval conferred herein is precisely limited to the existing improvements.

- 8 -

Third, the Department of Environmental Protection and Resource Management (DEPRM) recommends that a maintenance agreement be entered into with a septic service company to provide periodic inspection of the absorption trenches. Alteration of the use of these trenches every six (6) months and septic removal as needed is also recommended. As noted above, this site is not served by public utilities. In order to obtain an area suitable for sewage disposal, the Petitioners entered into an easement agreement with the adjoining property owners for utilization of a 22,000 sq.ft. area on the neighboring Sutton property as described above. The propriety of such a use under the zoning regulations is not before me. Moreover, the fact of the matter is that the existing septic system was approved by Baltimore County, and has been installed. By this opinion, I neither endorse the conceptual use of neighboring property to support the septic system, nor state that same is impermissible. Consideration of this issue in the instant case is limited to the application of the special exception standards and DEPRM's comments. The Petitioners submitted a document (Petitioner's Exhibit 5) which is purportedly a contract with the Casper Sewage Service to perform such services pursuant to DEPRM's comments referenced above. The document submitted is not a contract and I do not accept it as such. Although the Church expressed a willingness to follow DEPRM's suggestion, I shall require such adherence as a condition to the special exception relief granted herein. Thus, I will require the Developer to submit to DEPRM, twice yearly, satisfactory evidence from a sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community

- 9 -

Association. These two community groups shall receive copies of this information, owing to their interest in preserving the environmentally sensitive areas surrounding this site and protecting the ground water table.

The next area for restriction relates to signage. It is of note that no sign variance has been requested. At present two signs exist on the front of the property, facing Shawan Road. One advertises the Church and is depicted on the site plan and in photographs at the hearing. The second sign advertises the day care facility and is to be removed. Per the Petitioners representations, this sign shall be removed within sixty (60) days of the date of this Order. As to the Church sign, same is illuminated by two 75-watt bulbs. There was significant testimony about other signs in this area and that the community feels that lighted signs are incompatible with the rural and residential character of this vicinity. The Petitioners agreed that the sign would be connected to a timer. In my view, it seems appropriate that the sign should be illuminated in the manner presently provided, only until 11:00 PM. It is doubtful whether any individuals would be coming to the Church after that hour and need the direction provided by such signage. Thus, this Order shall contain a restriction allowing illumination of the sign only from dusk until 11:00 PM.

There was also testimony concerning lights on the parking lot. I will not require that they be turned off at any given hour. Matters of security and safety are important factors in this consideration. Individuals at the Church may leave later than 11:00 PM. Moreover, there are other lighted parking lots in the area, including the Oregon Ridge facility. Thus, I will not require that the parking lot lights be connected to a timing device. However, the light produced thereby shall be directed

- 10 -

towards this site only, and away from any adjoining property or Shawan Road, in accordance with the Department of Public Works' standards for parking lot lights.

With the above restrictions, I believe that the use of the subject site by the St. Mary's Eastern Orthodox Church congregation is an appropriate use at this location and can be conducted without harm to the surrounding locale. Thus, I will approve the Petition for Special Exception with the restrictions outlined above. It is truly hoped by this Zoning Commissioner that such a decision will end the litigation spawned by this development between the Church and its neighbors.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the relief requested shall be granted, subject to the restrictions set forth below.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Special Exception for a church with a group child care center on the subject property, zoned R.C.4, pursuant to Section 1A03.3.B.3(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order, the Petitioners shall develop and submit a landscape plan for review and approval by Avery Harden, the Landscape Architect for Baltimore County. The design and authority for approval thereof shall be at the discretion of Mr. Harden. Moreover, the timing for implementation of the plan shall be at the discretion of Mr. Harden.

- 11 -

3) The special exception granted herein is limited to the existing Church with a group child care center facility. The Church cannot lease its facilities for use as a commercial banquet hall or dining facility.

4) In accordance with the recommendation of the Department of Environmental Protection and Resource Management (DEPRM), the Petitioners shall enter into a maintenance agreement with a septic service company to provide periodic inspection of the absorption trenches. The use of these trenches shall be alternated every six (6) months and/or sewage removed as needed. The Petitioners shall submit to DEPRM, twice yearly, satisfactory evidence from the sewage service company that the septic system has been inspected and that the absorption trenches have been alternated and/or sewage removed as needed. A copy of such notification and proof to be provided shall also be furnished to the Valleys Planning Council and the Falls Road Community Association.

5) The sign advertising the day care facility shall be removed within sixty (60) days of the date of this Order. The Church identification sign shall be permitted to remain; however, the sign shall be connected to a timer to insure that illumination of the sign is only from dusk to 11:00 PM. In addition, all lights on the parking lot shall be directed towards this site only and not onto any adjoining property or onto Shawan Road.

6) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: RD Date of Posting: 4/24/95
Posted for: Special Exception
Petitioner: St. Mary's Church
Location of property: 909 Shawan Rd.
Location of Sign: 909 Shawan Rd. Property being zoned
Remarks:
Posted by: Matthew Date of return: 4/28/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 21, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1995.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

May 23, 1995

(410) 887-4386

John B. Contrum, Esquire
Romadka, Contrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Shawan Road, 2400' E of Beaver Dam Road
(909 Shawan Road)
8th Election District - 3rd Councilmanic District
St. Mary's Greek Orthodox Church - Petitioner
Case No. 95-354-X

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Father George Romley & Mr. Jerry Sackleh
St. Mary's Orthodox Church, 909 Shawan Road, Hunt Valley, Md. 21030

Messrs. David L. Martin and James Kline, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Dr., Towson, Md. 21204

Mr. Jeffrey Foreman, 1 Sheepfold Lane, Hunt Valley, Md. 21030

Mr. A. Douglas McComas, The Falls Road Community Assoc.
P.O. Box 555, Brooklandville, Md. 21022

Ms. Kristen Forsyth, The Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

People's Counsel; Case File



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 909 Shawan Road, Hunt Valley, MD 21030
which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Special Exception for a church/child care center with group child care center in a R.C.4 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Participant's name

Type or Print Name

Signature

Address

City

State

Zipcode

Agency for Petitioner

John B. Contrum, Esquire

Romadka, Contrum & McLaughlin, P.A.

Signature

814 Eastern Blvd. 686-8274

Essex, Maryland 21221

City

State

Zipcode

DROP-OFF
No REVIEW
5/5/95 WCR

909 Shawan Road 467-6200

Hunt Valley, MD 21030

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Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 4/5/95

Account: R0016150
Number: 346 (NEW)
DROP-OFF NO REVIEW

75-354-X receipt

2000 - SPECIAL EXCEPTION 5000.00
2000 - SIGN POSTING 35.00
TOTAL 5035.00

Legal Owner: St. Mary's Greek Orthodox Church
909 Shawan Road
3.96 +/- acres
Zoning: RC-4
Petitioner: J.B. Gortum
Attorney: John B. Gortum

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTNEY PUBLISHING COMPANY
April 20, 1995 Issue - Jeffersonian

Please forward billing to:
John B. Gortum, Esq.
814 Eastern Blvd.
Essex, MD 21221
686-6274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-354-X (Item 346)
909 Shawan Road
2400' E of Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner: St. Mary's Greek Orthodox Church
HEARING: MONDAY, MAY 15, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a church with group child care center.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

April 17, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-354-X (Item 346)
909 Shawan Road
2400' E of Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner: St. Mary's Greek Orthodox Church
HEARING: MONDAY, MAY 15, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a church with group child care center.

Arnold Jablon
Director

cc: St. Mary's Greek Orthodox Church
John B. Gortum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

May 10, 1995

John B. Gortum, Esquire
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 346
Case No.: 95-354-X
Petitioner: St. Mary's Greek Orthodox Church

Dear Mr. Gortum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and Development Management
May 1, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #346 - St. Mary's Greek Orthodox Church
909 Shawan Road
Zoning Advisory Committee Meeting of April 17, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

The septic system for the St. Mary's Church facility was designed to be alternated every six months between two absorption fields. It is suggested that a maintenance policy be made with a septic service company to provide for periodic inspection, alternation of the absorption trenches every six months and septage removal as needed.

JLP:TE:sp
STMARYS/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 25, 1995

SUBJECT: 909 Shawan Road

INFORMATION:

Item Number: 346
Petitioner: St. Mary's Greek Orthodox Church
Property Size: 3.96 acres
Zoning: RC-4
Requested Action: Special Exception
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception for a church with a group child care in a RC-4 zone.

A Special Exception was previously granted for a church at the subject location (see 84-130-X). A subsequent Petition was filed in Case No. 92-281-SPHXA and it was found at that time that the original Special Exception has expired.

To date, there has been much confusion regarding the development of this site. The current Special Exception request presents an opportunity to provide much needed parameters in order to insure that this site will be in full compliance with all Baltimore County regulations. In addition, the imposition of reasonable restrictions can be used as a tool to resolve outstanding problems involving the development of this site.

Shawan Road is a Master Plan scenic route. One of the goals of the scenic route program is the preservation of the visual character that makes Baltimore County distinctive. To insure that this site is consistent with the goals of the Master Plan, it is essential that conditions be placed in the Order to address issues regarding lighting, landscaping and signage.

ITEM346/PZONE/ZAC1

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be granted subject to the following conditions:

- The plat accompanying the Petition indicates a sign detail. The dimensions of the sign are reasonable; however, any illumination of the sign should be prohibited.
- No future expansion of the subject property should be allowed as any additional construction would result in overdevelopment of the site.
- At no time should any further permanent improvements be permitted in the location designated as a play area.
- With the exception of church related activities, no receptions should be held at the church.
- Until such time as an approved landscape plan is forwarded to the Zoning Commissioner, no final action should be taken regarding the requested approval of the Special Exception.

Prepared by: Jeffrey M. Long
Division Chief: Carol L. Lewis
PK/JL

ITEM346/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: April 24, 1995

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 24, 1995
Items 341, 342, 344, 345, 346, 347, 348, and 351

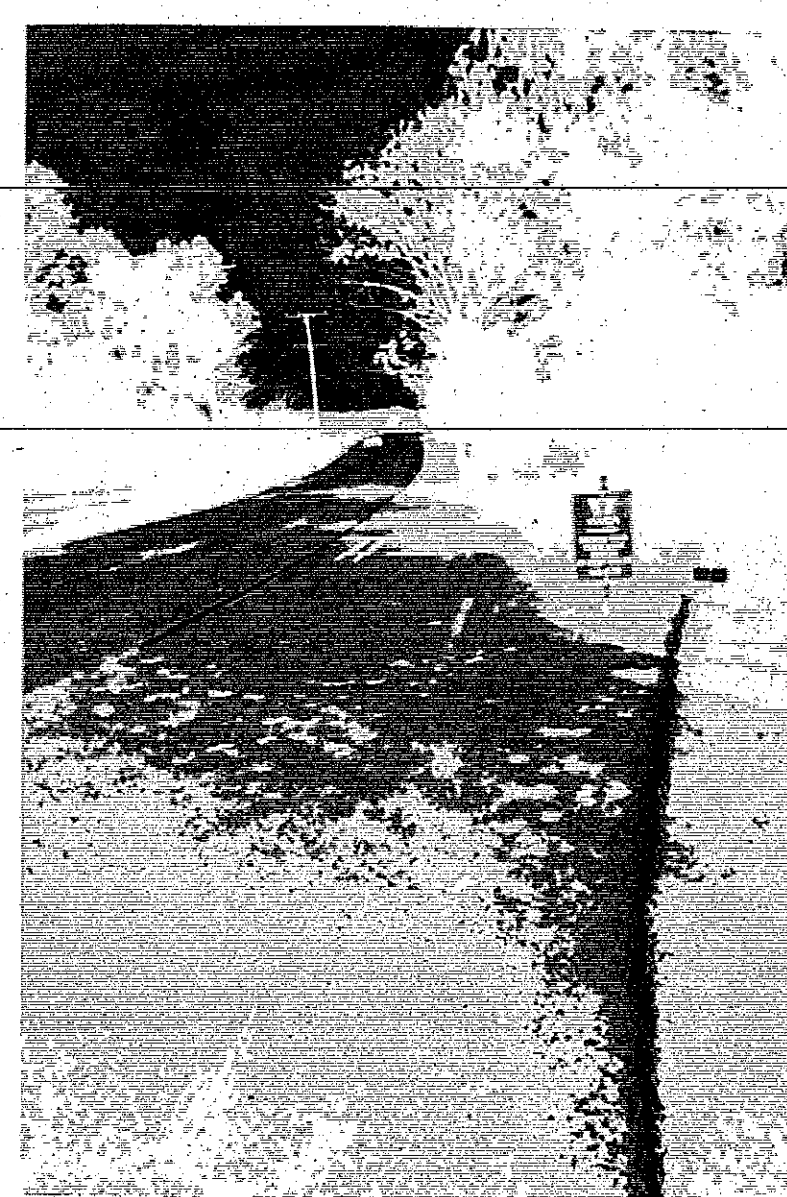
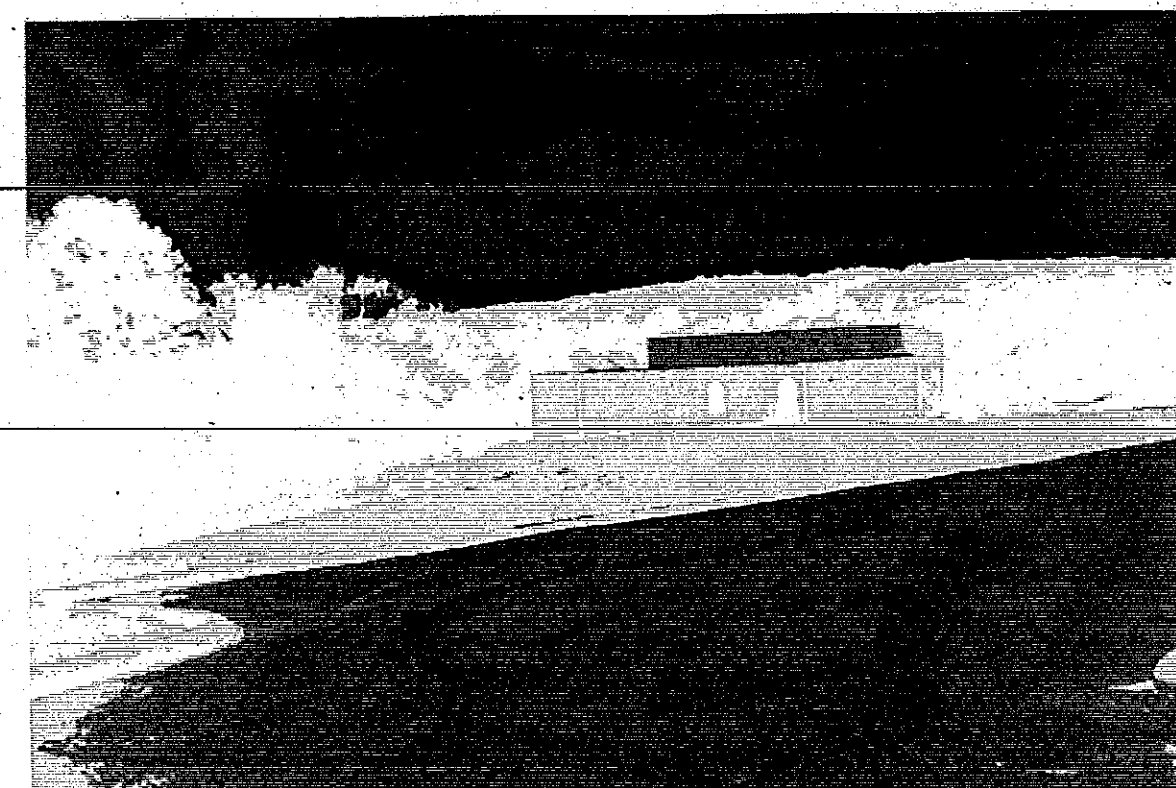
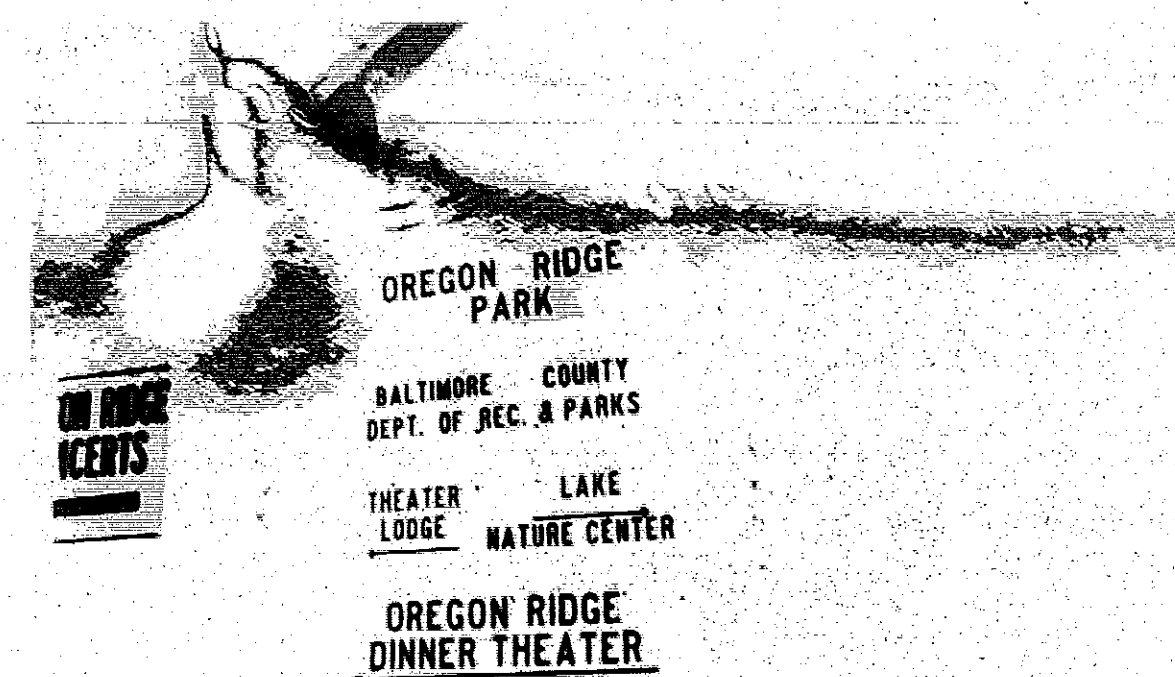
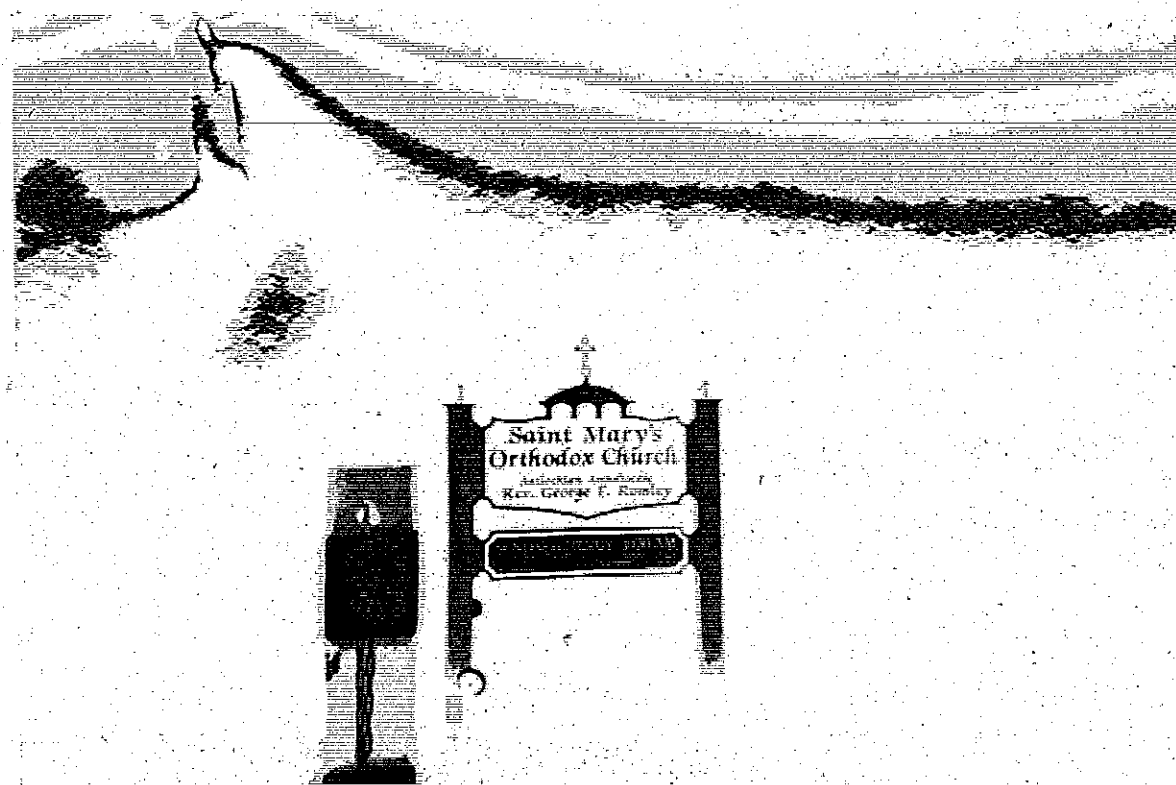
The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:aw

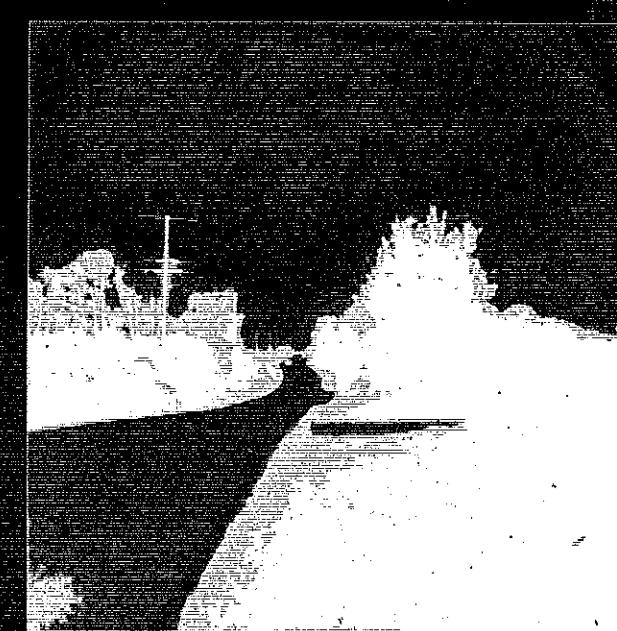


354

Petitioner's
Exhibits 3A-3I,
6A-6C, 7
and
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Ex. 1



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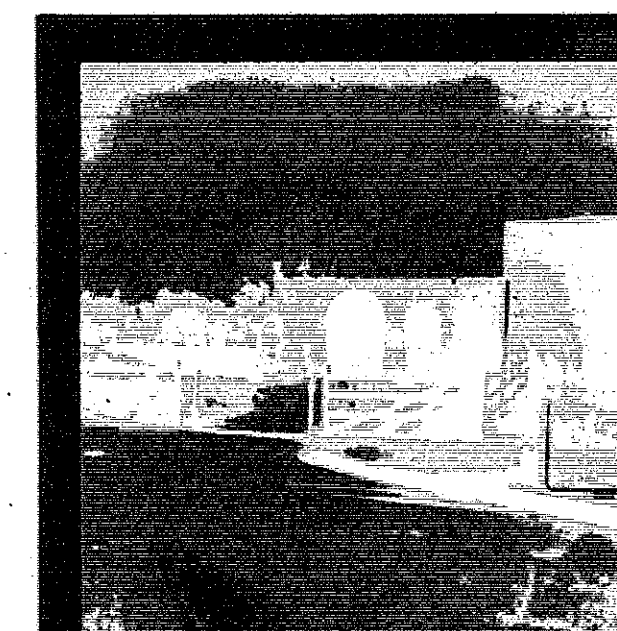
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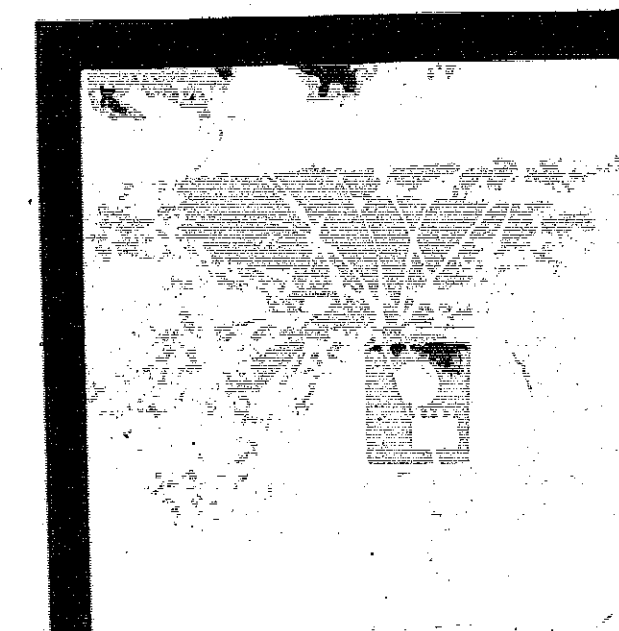
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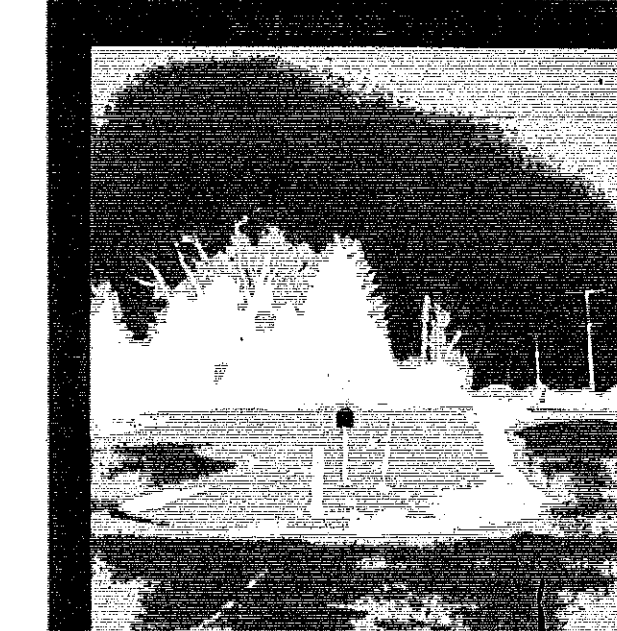
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- GENERAL NOTES**
1. EX ZONING RC 4
 2. AREA OF PETITION 3.26 AC
 3. COUNCILMAN'S DIST. #3
 4. C.R.G. WAIVER WAS GRANTED
 5. ZONING CASE # 54-130-X
S.E. FOR A CHURCH GRANTED
 6. ZONING CASE # 92-281-SPHX
S.H. TO AMEND S.E. VARIANCES DENIED
 7. IMPROVEMENTS COMPLETED DEC. 1990
BUDG PERMIT N° 8014461 C.N° 755-89
DATED 4/25/89
 8. GROSS AREA OF TRACT = 3.26 AC
 9. NET AREA OF TRACT = 3.75 AC
 10. IMPERVIOUS AREA = 0.25 AC
 11. IMPERVIOUS AREA PERMITTED = 10%
 12. IMPERVIOUS AREA SHOWN = 6.7%
(.25 ÷ 3.75 = 6.7%)
 13. NO OUTSIDE CATERING TO OCCUR ON SITE
 14. POROUS PAVING TO BE MAINTAINED THROUGH
PROPER CLEANING (VACUUM SWEEPING ETC) AS
RECOMMENDED.
 15. SAFETY LIGHTING ON BUILDING TO BE DIRECTED
AS NOT TO INTERFERE WITH TRAFFIC ETC

1003.3--Use Regulations. [Bill No. 98, 1975.]

A. Use permitted as of right. The following uses, only as permitted as of right in R.C. 4 zones: [Bill No. 98, 1975.]

1. Telephone, telegraph, electrical-power, or other similar lines or cable-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground gas, water, or sewer mains or storm drains.
2. Accessory uses or structures, including, but not limited to the following: [Bill No. 98, 1975.]
3. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429), or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 98, 1975; Bill No. 7, 1987.]

B. Use permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones: [Bill No. 98, 1975.]

1. Churches and other buildings for religious worship. [Bill No. 45, 1982.]

1003.3--Additional Standards. [Bill No. 113, 1992.]

Under provisions adopted pursuant to the authority of the Comprehensive Manual of Development Policies, development in R.C. 4 zones may be made subject to additional standards of lot area, yard space, open space, building distribution, or other aspects or characteristics of site planning or project design. Such standards shall be based upon specified existing, prospective, or stipulated conditions or circumstances of development, and shall be designed to further the specific purposes of this article and the purposes of these zoning regulations in general.

NOTE: AND BE IT FURTHER ENACTED that any development which has received C.R.G. approval, concept plan approval, or preliminary plan approval, or any other project vested by law, or any development for which a concept plan has been accepted for filing by the department of public works to the effective date (July 1, 1992) of this Act (Agricultural Preservation/Rural Cluster Development) shall be governed by the regulations in effect at the time of such approval, setting, or acceptance for filing, as the case may be. [Bill No. 113, 1992.]

* This provision does not appear in the RCZP, but is included in Bill 113, 1992, and its effect is to provide grandfather provision to impact of this regulation.

Section 101--DEFINITIONS. [B.C.2.A., 1955.]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined below: [B.C.2.A., 1955; Bill No. 149, 1987.]

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. [Bill No. 149, 1987.]

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building. [B.C.2.A., 1955.]

Accessory Use or Structure: A use or structure which (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, location, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An accessory use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. [Bill No. 100, 1970; Bill No. 26, 1988.]

Principal Use: A main use of land, as distinguished from an accessory use. [Bill No. 100, 1970.]

1003.3--Group child care centers and nursery schools are permitted by right within the following uses whether such use is permitted by right or by Special Exception, and in D.R. Zones, group child care centers and nursery schools permitted by this subsection are not required to meet the provisions of 1801.1.B.1.b.3 (restrictions in residential transition areas):

A. Churches;

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

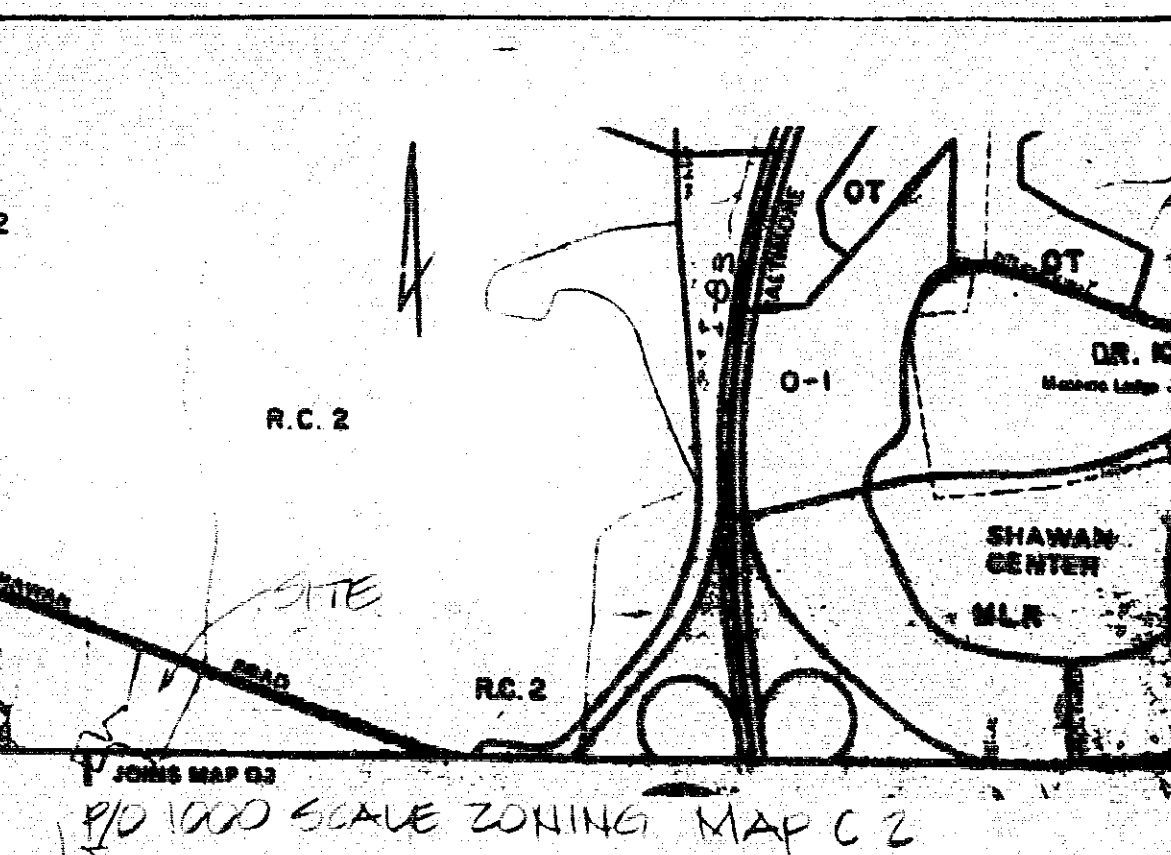
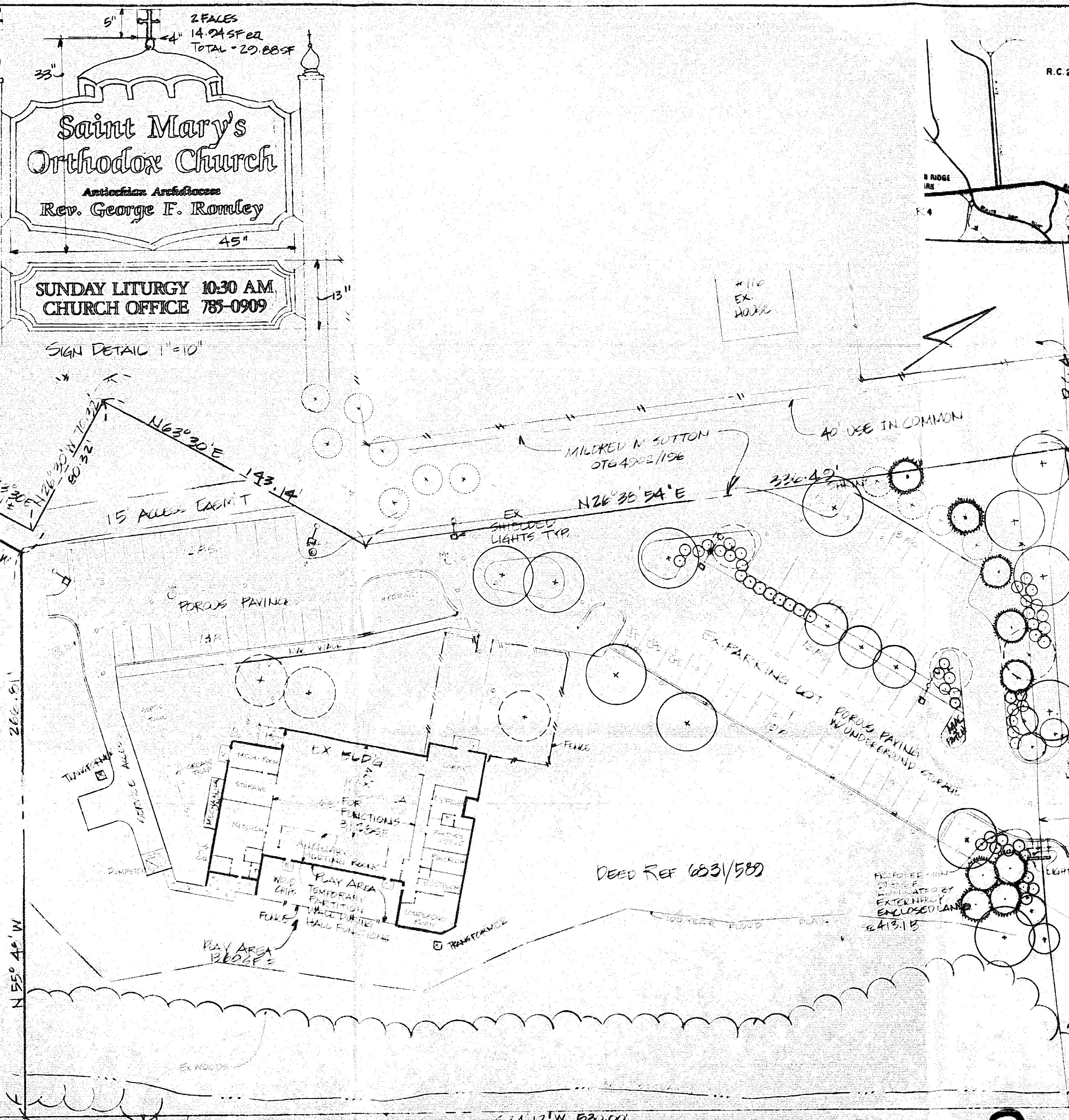
David E. Math

This plan sealed for zoning purposes only, and is not to be used for conveyances, agreements or construction.

**NOTE: OUTLINE FROM DEED
OTHER PAGE & DETAIL
INFORMATION ADAPTED FROM
SITE PLANS BY (MAISTER WATTS INC)**

**PETITIONER:
SAINT MARY'S ORTHODOX CHURCH
#303 SHAWAN RD.
HULT VALLEY MD. 21030**

**NOTE THIS PLAT IS FOR ZONING PURPOSES
ONLY AND NOT TO BE USED IN
CONVEYANCES OR AGREEMENTS**



LANDSCAPE KEY

- EXIST. ENGINEERED TO REMAIN
- EXIST. DECID. TREE TO REMAIN
- PROP. EVERGREEN
- PROP. DECIDUOUS TREE
- PROP. SHRUB

PARKING TABULATION

CHURCH USE AREA	4000 SF = 2000 SF / 1000 SF
ANCILLARY USE AREA	4000 SF = 2000 SF / 1000 SF
PARKING REQUIRED	2000 SF = 65 SP
4000 SF = 120 SP	
TOTAL	750 SF = 75 SP

FUNCTIONAL USE

HAUL AREA	3100 SF = 2000 SF / 1000 SF
ANCILLARY USE AREA	4000 SF = 2000 SF / 1000 SF
PARKING REQUIRED	3100 SF = 62 SF
4000 SF = 120 SF	
TOTAL	750 SF = 75 SP

**NOTE: DEAD VEGETATIVE
MATERIAL FROM PREVIOUS
PLANTINGS TO BE REMOVED**

95-354-X

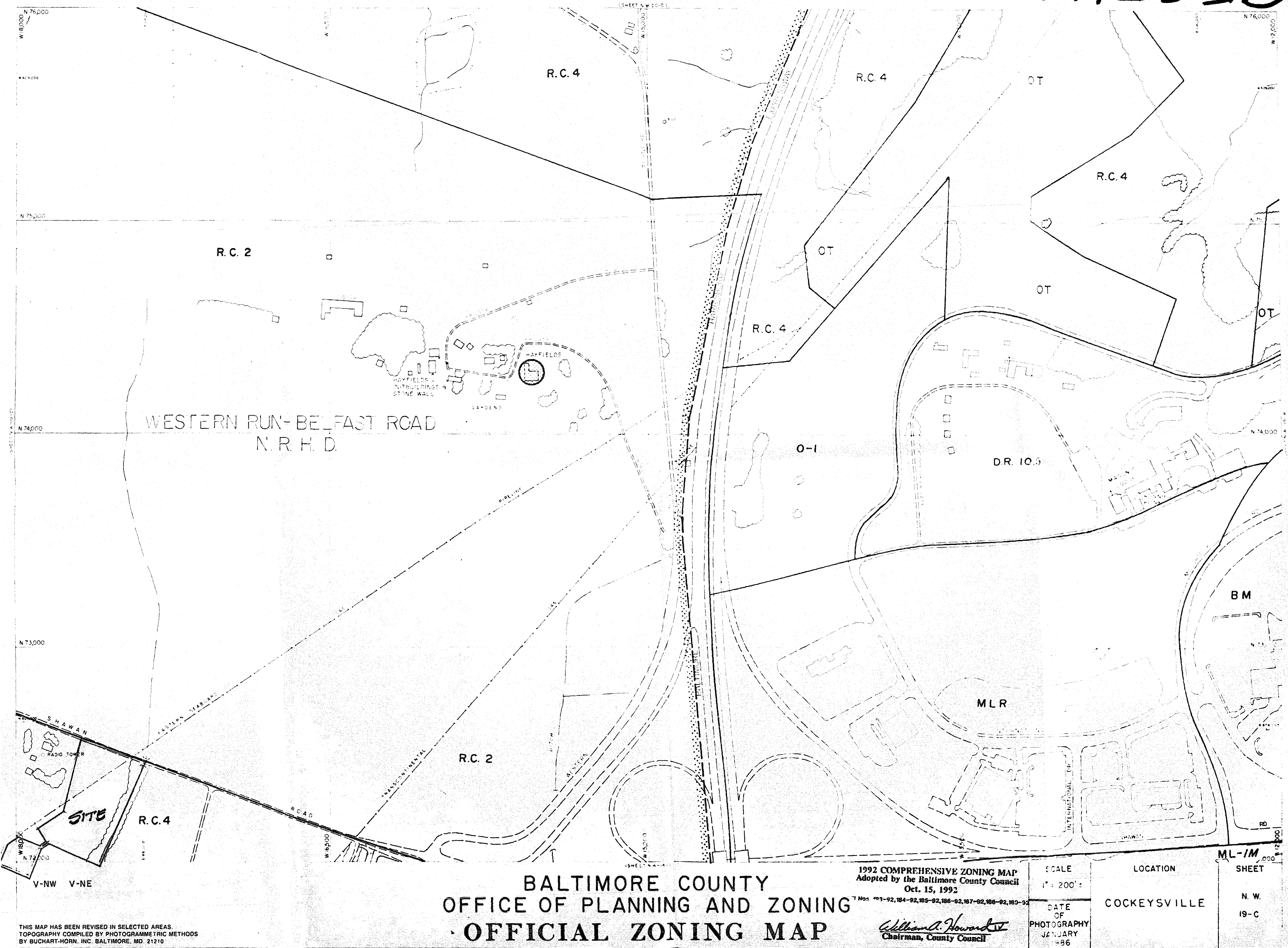
**PLAT TO ACCOMPANY
A PETITION FOR
A SPECIAL EXCEPTION
TO PERMIT A CHURCH IN
A RC 4 ZONE**

BALTIMORE COMD
FEB. 28, 1995

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

**PETITIONER'S
EXHIBIT 1**

95-53-96



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210